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**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

NOEL C. MURRAY and DR. SWARNA  
PERERA, on behalf of themselves and all  
others similarly situated,

Plaintiffs,

vs.

PROVIDENT TRUST GROUP, LLC, and  
ASCENSUS, LLC,

Defendants.

Case No.: 2:18-cv-01382-MMD-GWF

**STIPULATION AND  
~~(PROPOSED)~~ ORDER**

Plaintiffs Noel C. Murray and Dr. Swarna Perera ("Plaintiffs"), by and through their  
counsel of record, the Law Office of Hayes & Welsh, the Law Office of Christopher J. Gray, P.C.,  
and Law Offices of Joshua B. Kons, LLC, and Defendants Provident Trust Group, LLC, and  
Ascensus, LLC, by and through their counsel of record, Greenberg Traurig, LLP, stipulate and

1 request that the Court extend the time by which Plaintiffs must file and serve papers in response  
2 to Defendants' Motion to Dismiss (ECF No. 21) until and including, **November 12, 2018** and  
3 extend the time by which Defendant may file and serve any reply papers in connection with the  
4 Motion to Dismiss until and including **December 3, 2018**. This Stipulation is made and based  
5 upon the following:

- 6 1. Plaintiffs filed their Complaint on July 26, 2018, in which they allege Defendants  
7 breached their contractual and fiduciary duties as trustees and custodians of Plaintiffs'  
8 Individual Retirement Accounts. ECF No. 1. Plaintiffs seek certification to represent  
9 a class of similarly situated individuals across the country. *Id.*
- 10 2. Defendants were served with the Complaint on August 2, 2018. ECF No. 7.
- 11 3. Defendants filed and served their Motion to Dismiss on October 8, 2018. Plaintiffs'  
12 counsel were largely engaged on other matters last week including out-of-town  
13 meetings and believe that the contemplated extension of time provides an appropriate  
14 period in which to fully address the factual and legal issues raised in the Motion to  
15 Dismiss. Defendants wish to reserve 14 days thereafter to file reply papers so that they  
16 may have a full and fair opportunity to address the factual and legal arguments to be  
17 raised in Plaintiffs' opposition papers.
- 18 4. This is the first request for an extension of time on these deadlines. The parties  
19 previously stipulated to (and the Court so ordered) an extension of time for Defendants  
20 to respond to the Complaint. *See* ECF No. 8. This Stipulation is entered into in good  
21 faith and not for purposes of delay.  
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1 Dated this October \_\_, 2018

Dated this October \_\_, 2018

2 /s/ Martin L. Welsh

/s/ Mark E. Ferrario

3 Martin L. Welsh

Mark E. Ferrario

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28 *Attorneys for Plaintiffs*

IT IS SO ORDERED.

  
UNITED STATES MAGISTRATE JUDGE

DATED: October 18, 2018